

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

**IN THE MATTER OF:**

**Eugene Reed**  
Facility ID #62985  
Section 26, Washington Township  
Washington County, Iowa

**ADMINISTRATIVE CONSENT ORDER  
NO. 2007-AFO- 24**

**TO: Eugene Reed**  
**c/o Phil Reed**  
**2709 Airport Road**  
**Washington, Iowa 52353**

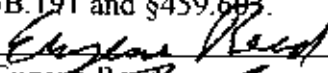
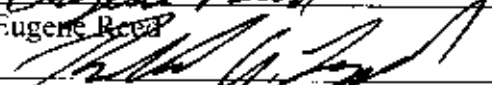
**VIOLATION:** 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c". You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (DNR), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by April 1, 2007. You were sent notices of the requirements on January 26, 2007, February 27, 2007, and a notice of violation letter on June 27, 2007. The notice of violation letter required that you submit the MMP by July 15, 2007. On July 30, 2007, a notice of referral was sent to you.

**ORDER:** You shall submit your complete Iowa Phosphorus Index MMP to DNR Field Office #6 by September 1, 2007. In addition, a penalty of \$2000.00 is being assessed. The penalty shall be paid in accordance with the payment plan attached as Attachment A. \$200.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$800.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1,000.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent notice of the requirements by the DNR.

**AUTHORITY:** Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c".

**APPEAL:** This administrative consent order is entered into knowingly by and with the consent of Eugene Reed c/o Phil Reed. For that reason, Eugene Reed c/o Phil Reed waives the right to appeal this administrative consent order or any part thereof.

**NONCOMPLIANCE:** If you fail to comply with this administrative consent order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.

  
For Eugene Reed  
  
Richard A. Leopold, DIRECTOR

**IOWA DEPARTMENT OF NATURAL RESOURCES**  
502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007

Dated this 4 day of Sept., 2007

## **"Attachment A"**

### **Payment Plan for Eugene Reed**

The penalty of \$2,000.00 shall be paid in accordance with the following payment schedule:

\$500.00 due September 1, 2007;  
\$500.00 due October 1, 2007;  
\$500.00 due November 1, 2007; and  
\$500.00 due December 1, 2007.

If any of the said payments are not received on schedule, the remaining penalty shall be due immediately.

Penalty payments shall be submitted to the Department of Natural Resources at 502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319.